

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| Wireless Telecommunications Bureau) | WT Docket No. 05-301 |
| Requests Comment on Verizon Wireless) | |
| Request for Limited Waiver of the) | |
| December 31, 2005 Deadline to Achieve) | |
| Ninety-Five Percent Penetration of) | |
| Location-Capable Handsets Among Its) | |
| Subscribers) | |

**The following are the comments of the North Dakota Public Service Commission
(NDPSC) in the above referenced docket.**

The NDPSC is a constitutional office of the State of North Dakota. The NDPSC is comprised of three commissioners who are elected statewide for rotating six-year terms. The NDPSC has varying levels of regulatory jurisdiction over numerous industries including, for purposes of this proceeding, telecommunications.

The NDPSC expresses its support of Verizon Wireless' request for a limited waiver of the December 31, 2005 deadline to achieve ninety-five percent penetration of location-capable handsets among its subscribers.

As demonstrated by our support of the National Association of Regulatory Utility Commissioners policy position on the matter, the NDPSC has been supportive of reasonable flexibility with regard to the looming deadline.¹

The viewpoint of North Dakota officials may be particularly helpful in this proceeding. Our experience is instructive, both to the benefits of the FCC push for location-capable handsets, and to the negatives associated with deadline inflexibility.

As a state, North Dakota has shown an impressive commitment to Enhanced-911 and location capable technologies. We were one of the very first states to be 100 percent phase-II compliant. As individual commissioners, we support the technology as well. Obvious consumer public safety benefits will be realized the day all Americans can enjoy ubiquitous location-capable wireless reception.

¹ "Resolution Regarding the Suspension or Waiver of the December 31, 2005 Deadline for 95 Percent Penetration of Location-Capable Handsets," Sponsored by the Telecommunications Committee and the Consumer Affairs Committee and Adopted by the NARUC Board of Directors July 27, 2005.

We also represent citizens of a largely rural, sparsely populated state. While digital wireless coverage is generally available in our urban markets and along major interstate highways, there still exist certain coverage gaps in portions of rural North Dakota. And for those who face these gaps, often analog technology becomes the wireless medium of choice. Analog's broader coverage characteristics and the use of older, higher-wattage "bag phones," lead a number of North Dakotans to continue their use of non-location capable handset technology.

This is not an irrational and wrong choice for these customers. While universal location-capable capability is the ideal, it must be acknowledged that the choice in some rural areas is not between analog or digital, it is between analog service or no service. Having location-capable handsets will be small consolation to a customer in a emergency situation who was forced to give up a working "bag phone" in an area where only analog service works.

Technology, the passage of time and natural churn will take care of this issue without undue burdens placed on consumers. We urge the FCC to support reasonable efforts at flexibility with regard to the deadline. Verizon Wireless' request meets this standard.

Respectfully submitted,

NORTH DAKOTA PUBLIC SERVICE COMMISSION

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